

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

VIRGINIA BUCKLAND,

Plaintiff,

v.

OHIO NATIONAL LIFE
ASSURANCE CORPORATION,

Defendant.

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C.A. No. 4:15-cv-400

INDEX OF STATE COURT DOCUMENTS

1. Certified copy of Docket Sheet as of April 30, 2015;
2. Civil Case Information Sheet filed April 14, 2015;
3. Plaintiff's Original Petition filed April 14, 2015;
4. Mr. Humphreys' letter dated April 15, 2015;
5. Return of Service upon Ohio National Life Assurance Corporation filed April 28, 2015;
6. Defendant's Original Answer filed May 15, 2015; and
7. Scheduling Order filed May 18, 2015.

Respectfully submitted,

By: s/ Jill B. Davenport
Bill E. Davidoff
State Bar No. 00790565
bill.davidoff@figdav.com
Jill B. Davenport
State Bar No. 00783680
jill.davenport@figdav.com

FIGARI + DAVENPORT, LLP
901 Main Street, Suite 3400
Dallas, Texas 75202-3796
(214) 939-2000
(214) 939-2090 (fax)

ATTORNEYS FOR DEFENDANT
OHIO NATIONAL LIFE
ASSURANCE CORPORATION

CERTIFICATE OF SERVICE

I certify that all attorneys deemed to accept service of the above-referenced document electronically will be notified via the Court's CM/ECF system and all others will be notified via U.S. mail or email on this 26th day of May 2015.

s/ Jill B. Davenport
Jill B. Davenport

Date of Orders	ORDERS OF COURT	Was Steno Used?
	<p>A CERTIFIED COPY</p> <p>ATTEST: <u>April 30, 2015</u></p> <p>THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS</p> <p>BY: <u>Yolanda E. Garza</u></p> <p>DEPUTY YOLANDA GARZA <u>page 1 of 1</u></p>	

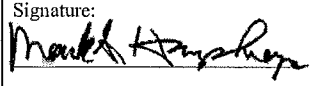
CAUSE NUMBER (FOR CLERK USE ONLY): _____

COURT (FOR CLERK USE ONLY): _____

STYLED Virginia Buckland v. Ohio National Life Assurance Corporation

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Mark S. Humphreys</u> Address: <u>702 Dalworth Street</u> City/State/Zip: <u>Grand Prairie, TX 75050</u> Signature:  Email: <u>texaslaw94@yahoo.com</u> Telephone: <u>972-263-3722</u> Fax: <u>972-237-1690</u> State Bar No: <u>00789762</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Virginia Buckland</u> Defendant(s)/Respondent(s): <u>Ohio National Life Assurance Corporation</u> [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract Debt/Contract <input checked="" type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case): <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000					

FILED
TARRANT COUNTY
4/14/2015 3:47:40 PM
THOMAS A. WILDER
DISTRICT CLERK

Cause No. 141-277896-15

Virginia Buckland	§	In the _____ Judicial
V.	§	District Court of
Ohio National Life Assurance Corporation	§	Tarrant County, Texas

**PLAINTIFF'S ORIGINAL PETITION
(with Disclosure Request)**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES **Virginia Buckland** (DL452/SS945), hereinafter called Plaintiff, complaining of and about **Ohio National Life Assurance Corporation**, hereinafter called Defendant, and for cause of action shows unto the Court the following:

1. **SERVICE**

Defendant **Ohio National Life Assurance Corporation** is an insurance company, doing business in the State of Texas. Said Defendant can be served through its attorney for service: Mark T. Davenport, 3400 Bank of America Plaza, 901 Main Street, LB 125, Dallas, Texas 75206-3176

2. **JURISDICTION**

The subject matter in controversy is within the jurisdictional limits of this court in that Plaintiff seeks recovery of over \$1,000,000.00.

3. **VENUE**

Pursuant to Texas Civil Practice & Remedies Code, §15.032, venue in Tarrant County is proper in this cause of action is where the beneficiary resides.

4. **AGENCY AND VICARIOUS LIABILITY.**

Whenever in this Petition it is alleged that Defendant did any act or thing or omission, it is meant that Defendant, its officers, agents, employees, or representatives did such act or thing or omission and that at the time such act or thing was done, it was done with the full authorization or ratification of Defendant or was done in the normal and routine course and scope of employment of Defendant, its officers, agents, employees, or representatives.

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5. **WRITTEN NOTICE GIVEN.**

- A. Plaintiff has fully complied with all of the conditions precedent prior to bringing this suit.
- B. Notice letter was issued February 9, 2015, and this lawsuit is being filed before the expiration of 60 days.

6. **FACTS**

- A. On September 23, 2014, Defendant's policy number 6847485 was in full force and effect.
- B. On September 23, 2014, Anita Fox became deceased.
- C. The beneficiary of this policy is Plaintiff, who is the daughter of Anita Fox.
- D. The policy insured the life of Anita Fox for one million dollars.
- E. The initial application for this policy was made on November 22, 2007.
- F. At that time or soon thereafter, this policy was in full force and effect and continued so until Anita was deceased.
- G. On or before about October 14, 2014, Defendant was contacted for the purposes of making a claim for benefits.
- H. Defendant acknowledged plaintiff's claim for benefits in a letter dated October 14, 2014.
- I. On or about November 3, 2014, the information requested by Defendant was forwarded to Defendant.
- J. As of the date of this letter, Defendant have failed to pay Plaintiff the policy benefits, stating as recently as January 13, 2015, that Defendant is continuing with Defendant's review of the claim.

7. **VIOLATIONS OF THE TEXAS INSURANCE CODE**

- A. It appears that Defendant intentionally or in a negligent manner handled Plaintiff's claim. Plaintiff incorporates herein all the facts as set forth above. Defendant's conduct in this matter appears to be in violation of numerous laws, including but not limited to Texas Insurance Code (TIC), as follows:

- 1) **TIC §541.060(a)(2)(A):** Defendant has violated this section by failing to attempt in good faith to effectuate a prompt, fair, and equitable settlement of a claim with respect to which Defendant's liability has become reasonably clear in that Defendant has continued to refuse to pay her policy benefits, when no valid reason exists for Defendant's failure to do so.

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2) **TIC §541.060(a)(4)(A):** Defendant has violated this section by failing to within a reasonable time to affirm or deny coverage to Plaintiff in that the claim was submitted on October 14, 2014 and all documentation Defendant requested was supplied on November 3, 2014, and more than 15 business days have past, without Defendant making a decision on this matter.

3) **TIC §541.060(a)(4)(B):** Defendant has violated this section by failing to within a reasonable time to submit a reservation of rights to a policyholder.

4) **TIC §541.060(a)(7):** Defendant has violated this section by refusing to pay a claim without conducting a reasonable investigation with respect to the claim in that Defendant has all the information Defendant reasonably need to pay the claim and Defendant are continuing in Defendant's refusal to do so.

5) **TIC §542.051 - 542.061:** Defendant has violated these sections by not paying Plaintiff's claim for benefits in a timely manner after Defendant had received all the information Defendant reasonably needed to make a determination to pay Plaintiff. Said payment should having been made on or about November 23, 2014.

8. **PROMPT PAYMENT OF CLAIMS ACT**

Defendant had all the information needed to pay Plaintiff's claim upon the receipt of the Certificate of Death. As a result this claim should have been accepted and paid November 23, 2014.

- a) Defendant is liable as penalty at an interest of 18% a year on the policy benefits plus attorneys' fees.

9. **KNOWING AND INTENTIONAL**

Defendant committed additional violations of TIC, including but not limited to:

- a) **TIC, §541.152(a)(1)** The Defendant knowingly committed the acts complained of and incorporates herein all allegations set forth in this petition / complaint.

- b) **TIC, §541.152(b):** It appears Defendant's conduct as alleged above was committed knowingly in that Defendant had actual awareness of the falsity, unfairness, or deceptiveness of the acts complained of above.

10. **BREACH OF CONTRACT**

It is Plaintiff's contention that Defendant's conduct constitutes unfair and deceptive acts or practices in breach of contract for which Defendant can be held responsible, to-wit:

- a) There is a valid, enforceable contract of life insurance between Defendant and Plaintiff.

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- b) Plaintiff is a proper party to sue for breach of the life insurance contract.
- c) Plaintiff has performed under the life insurance contract.
- d) Defendant has breached the life insurance contract by not paying Plaintiff's claim for benefits.
- e) Defendant's breach of the life insurance contract has caused harm to Plaintiff.

11. DAMAGES.

Plaintiff sustained the following economic and actual damages as a result of the actions and/or omissions of Defendant described herein:

- a. Actual damages for policy benefits \$1,000,000.00
- b. Doubling of damages due to the intentional nature of Defendant's conduct in this matter \$2,000,000.00
- c. Mental anguish damages resulting from Defendant's intentional conduct in this matter \$ 50,000.00
- e. Penalty at 18% per annum on actual damages from November 23, 2014, until paid \$??????

12. DISCOVERY – REQUEST FOR DISCLOSURE TO DEFENDANT:

A. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant **Ohio National Life Assurance Corporation** is requested to disclose, within fifty (50) days of service of this request, the information or material as set forth in R.194.2(a) through R.194.2(l). A response to a request under Rule 194.2(f) is due according to Rule 195.2 of the Texas Rules of Civil Procedure.

B. The disclosures must be signed in accordance with Texas Rules of Civil Procedure, Rule 191.3, and delivered to the undersigned attorney. If a Defendant fails to comply with the requirements above, the Court may order sanctions against such Defendant in accordance with the Texas Rules of Civil Procedure.

13. USE OF DOCUMENTS:

Pursuant to Rule §193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives notice to the Defendant that she intends to use all documents exchanged and produced between the parties (including, but not limited to, correspondence, pleadings, records, and discovery responses) during the trial of this matter.

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14. ATTORNEY'S FEES.

Request is made for all costs and reasonable and necessary attorney's fees incurred by or on behalf of Plaintiff herein, including all fees necessary in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems equitable and just, as provided by: (a) §541.152(a)(1), of the Texas Insurance Code; (b) Chapter 38 of the Texas Civil Practice and Remedies Code; and, (c) common law.

15. PRE-JUDGMENT INTEREST.

As a result of the injuries sustained by Plaintiff as aforesaid and in addition to such damages, Plaintiff will show that he is entitled to pre-judgment interest on each separate element of damages as awarded by the jury during the trial of this case, from and after the date of accrual of such damages, through the date of judgment, such interest to accrue at the highest prevailing rate then applicable on the date of judgment.

16. POST JUDGMENT INTEREST.

As a result of the injuries sustained by Plaintiff and in addition to such damages, Plaintiff will show that he is entitled to post-judgment interest on damages awarded by the jury during the trial of this case, from and after the date of judgment, such interest to accrue at the highest prevailing rate then applicable until paid in full.

17. COSTS OF SUIT.

A. In addition, Plaintiff seeks all related costs of suit in this cause of action through the trial, post-trial, appeal, and/or post-judgment discovery, etc. of this matter.

B. Wherefore, Plaintiff seeks reimbursement of court costs incurred in the trial of this case and thereafter.

18. REQUEST FOR JURY TRIAL.

Plaintiff respectfully requests that a Jury be impaneled on final hearing of this cause of action.

19. PRAYER.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for and such other and further relief to which the Plaintiff may be entitled at law or in equity, whether pled or unpled.

141-277896-15

SIGNED on April 14, 2015.

Respectfully submitted,


BY: Mark S. Humphreys - SBOT #00789762

MARK S. HUMPHREYS, P.C.
702 Dalworth Street, Grand Prairie, Texas 75050
Tel. (972) 263-3722 * Fax. (972) 237-1690
Email: texaslaw94@yahoo.com
Attorney for Plaintiff Virginia Buckland

Mark S. Humphreys, P.C.
Attorney at Law

THOMAS A. WILDER
DISTRICT CLERK

702 Dalworth Street, Grand Prairie, Texas 75050
texaslaw94@yahoo.com

METRO: (972) 263-3722
Facsimile: (972) 237-1690

Wednesday, April 15, 2015

Tarrant County District Clerk
Attn. JTL, Citations Clerk
200 East Weatherford Street, 4th Floor
Fort Worth, TX 76196-0230

Re: Envelope No. 4886143 ... Cause No. 141-277896-15; Buckland v. Ohio

Dear Clerk:

With respect to the above referenced matter, attached you will find a file-marked copy of the Plaintiff's Original Petition. The citation fee has already been paid.

Please attach the citation to the petition and return in the enclosed self-addressed stamped envelope.

Thank you for your attention in this matter.

Sincerely,

Claudia Huerta

Claudia Huerta, Litigation Manager

Enclosures

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

ORIGINAL

CITATION

Cause No. 141-277896-15

VIRGINIA BUCKLAND
VS.
OHIO NATIONAL LIFE ASSURANCE CORPORATION

FILED
TARRANT COUNTY
4/28/2015 1:37:13 PM
THOMAS A. WILDER
DISTRICT CLERK

TO: OHIO NATIONAL LIFE ASSURANCE CORPORATION

B/S MARK T DAVENPORT ATTY 901 MAIN ST LB 125 DALLAS, TX 75206- US

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURE REQUEST at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 141st District Court, 200 E WEATHERFORD, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

VRIGINIA BUCKLAND

Filed in said Court on April 14th, 2015 Against
OHIO NATIONAL LIFE ASSURANCE CORPORATION

For suit, said suit being numbered 141-277896-15 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURE REQUEST a copy of which accompanies this citation.

MARK S HUMPHREYS
Attorney for VIRGINIA BUCKLAND Phone No. (972)263-3722
Address 702 DALWORTH ST GRAND PRAIRIE, TX 75050

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 16th day of April, 2015.

By Stacci Reynolds Deputy
STACCI REYNOLDS

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Thomas A. Wilder, Tarrant County District Clerk, 200 E WEATHERFORD, FORT WORTH TX 76196-0402

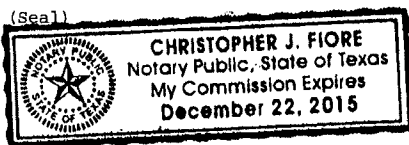
OFFICER'S RETURN

Received this Citation on the 28th day of April, 2015 at 10:50 o'clock A.M. and executed at 901 Main Street #3400, Dallas, TX 75202 within the county of Dallas, State of TX at 11:55 o'clock A.M. on the 28th day of April, 2015 by delivering to the within named (Def.): Ohio National Life Assurance Corporation defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURE REQUEST, having first endorsed on same the date of delivery. to Mark T. Davenport Atty

Authorized Person/Constable/Sheriff: Jr. Phil Jacqui Wilson SCH10001 10-3175
County of Tarrant State of TX By _____ Deputy

Fees \$ _____
State of TEXAS County of Tarrant (Must be verified if served outside the State of Texas)
Signed and sworn to by the said JACQUI WILSON before me this 28th day of APRIL 2015
to certify which witness my hand and seal of office

(Seal)



County of Tarrant, State of TX

CITATION

Cause No. 141-277896-15

VIRGINIA BUCKLAND

VS.

OHIO NATIONAL LIFE
ASSURANCE CORPORATION

ISSUED

This 16th day of April, 2015

Thomas A. Wilder
Tarrant County District Clerk
200 E WEATHERFORD
FORT WORTH TX 76196-0402

By STACCI REYNOLDS Deputy

MARK S HUMPHREYS
Attorney for: VIRGINIA BUCKLAND
Phone No. (972)263-3722
ADDRESS: 702 DALWORTH ST

GRAND PRAIRIE, TX 75050

CIVIL LAW



14127789615000004

SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL

141-277896-15

141-277896-15

FILED
TARRANT COUNTY
5/15/2015 10:16:11 AM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 141-277896-15

VIRGINIA BUCKLAND,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	TARRANT COUNTY, TEXAS
	§	
OHIO NATIONAL LIFE	§	
ASSURANCE CORPORATION,	§	
	§	
Defendant.	§	141ST JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER

Defendant Ohio National Life Assurance Corporation ("Ohio National") files its original answer and states:

GENERAL DENIAL

1. Subject to such admissions and stipulations as may be made at or before time of trial, Ohio National denies generally and specially the material allegations in Plaintiff's Original Petition, pursuant to Tex. R. Civ. P. 92, and demands strict proof thereof in accordance with the requirements of the laws of this state.

RELIEF REQUESTED

2. Ohio National requests the following relief:
- (a) That Plaintiff take nothing by reason of her suit;
 - (b) That Ohio National be dismissed with its costs; and
 - (c) That Ohio National have such other and further relief, both general and special, at law and in equity, to which it may be justly entitled.

141-277896-15

Respectfully submitted,

By: /s/ Jill B. Davenport
Bill E. Davidoff
State Bar No. 00790565
bill.davidoff@figdav.com
Jill B. Davenport
State Bar No. 00783680
jill.davenport@figdav.com

FIGARI + DAVENPORT, LLP
901 Main Street, Suite 3400
Dallas, Texas 75202
(214) 939-2000
(214) 939-2090 (fax)

ATTORNEYS FOR DEFENDANT
OHIO NATIONAL LIFE
ASSURANCE CORPORATION

CERTIFICATE OF SERVICE

I certify that all attorneys deemed to accept service of the above-referenced document electronically will be notified via the Court's electronic notification system and all others will be notified via email and U.S. Mail on this 15th day of May 2015.

/s/ Jill B. Davenport
Jill B. Davenport

CAUSE NO. 141-277896-15

VIRGINIA BUCKLAND

V

OHIO NATIONAL LIFE ASSURANCE

§
§
§
§
§

THE DISTRICT COURT

141ST JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

SCHEDULING ORDER
For Level 1 & 2 Cases

Based on the information available to the court, the following order shall apply to this case unless modified by the court. If no date is given below, the item is governed by the Texas Rules of Civil Procedure. Compliance with this Scheduling Order will not substitute for timely response to any discovery requests or interrogatory supplementation.

1. NEW PARTIES shall be joined and served by this date. The party causing the joinder shall provide a copy of this scheduling order at the time of service.

2. EXPERT WITNESSES: Except when in conflict with applicable deadlines established by Tex. Civ. Prac. & Rem. §74 or other statute, any objection to the qualifications of an expert witness or to the reliability of an expert's opinion must be made not later than the 30th day after: (1) the date the objecting party receives a copy of the expert's report, or (2) the date of the expert's deposition, or such objection shall be deemed waived. If any such deadlines have already passed prior to the date of this order, any such objections must be made not later than 30 days after the date of this order. Any objections to the qualifications of an expert witness or to the reliability of an expert's opinion must be heard by the Court no later than 30 days prior to the trial date or such objection shall be deemed waived. It is the responsibility of the party making such objection to obtain a timely hearing on the objection.

3. DISCOVERY: Discovery will be governed by the Texas Rules of Civil Procedure applicable to Level 1 cases [see T.R.C.P. 190.2] or Level 2 cases [see T.R.C.P. 190.3(b)(2)&(3)], unless further modified by the court or by agreement of the parties.

IT IS FURTHER ORDERED THAT

4. MEDIATION, or a hearing on objection to mediation, must occur 30 days before trial. Unless an objection to mediation is sustained by the court, counsel are jointly responsible for participating in mediation of this case, with the Dispute Resolution Services of Tarrant County, or other mediator agreed to by the parties, serving as mediator. A party's failure to participate in mediation will result in sanctions.

5. TRIAL is set for the week of APRIL 18, 2016. This is a preferential setting.

Signed: 5-18-15


Judge John P. Chupp

Court Minutes
Transactions # 20

 5-19-15
E-MAILED
Allyson Humphreys; Denverport

Exhibit 7

4